

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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UNITED STATES OF AMERICA
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- against -
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MARIO S. LEVIS,
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a/k/a "Sammy Levis,"
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:
Defendant.
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08 Cr. 181 (TPG)

ORDER

Certain motions were filed by defendant and by the Government in this case and resolved at a hearing held on March 24, 2010. A brief description of the motions and dispositions follows. The minutes of March 24 are referred to for the basis of these rulings.

Defendant moved to dismiss the indictment on Speedy Trial grounds. The motion is denied. Defendant's exhibits relating to this motion are received into the record.

Defendant moved to dismiss Count Five of the Superseding Indictment for improper venue. The motion is denied.

Defendant renewed its prior motion to transfer venue of this case to Puerto Rico. The motion is denied.

Defendant moved to exclude Doral's post-indictment restatement of its 2006 earnings. The Government stipulated that it will not offer this document. Thus, this motion is denied as moot. Defendant moved to exclude any evidence generated at an earlier time regarding Doral's proposed restatement, including the relevant press release. The motion is denied, but defendant is free to object at trial and the court will reconsider the question then. Defendant moved to exclude the press release from the Government's opening statement. The motion is denied.

Defendant moved to exclude all Government exhibits taken from the so-called 800,000-page document production. The motion is denied.

Defendant moved to preclude the Government from introducing evidence that the spot rate methodology was inaccurate or unreliable. The motion is denied.

Defendant moved for early production of Jencks Act material with respect to certain witnesses. The parties have reached an agreement on this issue. Accordingly, the motion is denied as moot.

Defendant moved to suppress the defendant's statements to attorneys conducting an internal investigation at the direction of Doral's Board of Directors. The parties have resolved this issue. Accordingly, the motion is denied as moot.

The Government moved to preclude the cross-examination of witness Maldonado. The court will resolve this issue at trial.

Defendant's Memorandum of Law in Support of the Motion to Dismiss the Superseding Indictment, together with the Declaration of Maria Neyra, originally filed under seal, shall be unsealed.

SO ORDERED.

Dated: New York, New York
March 24, 2010
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Thomas P. Griesa
U.S.D.J.